

Appln No. 09/785,643

Amdt date September 1, 2005

Reply to Office action of June 6, 2005

REMARKS/ARGUMENTS

Applicant thanks the Examiner for his careful consideration of this application. In response to the above-identified Office action, Applicant amends the application and seeks reconsideration, reexamination and allowance thereof. In this case, applicant does not cancel or add any claims. Applicant amends claims 13, 39 and 43. Accordingly, claims 1-46 are pending in the application.

I. Interview Summary

Applicant's attorney conducted an interview with the Examiner on August 31, 2005 to review the rejections in the Office Action dated June 6, 2005. Specifically, the rejection of claim 1 based on U.S. Patent No. 5,598,477 issued to Berson and U.S. Patent No. 5,621,797 issued to Rosen was discussed. Applicant's attorney pointed out that Rosen does not teach the use of a database to check validity as argued by the Examiner in the Office action. Rather, Rosen teaches checking a status field in the ticket itself to determine validity. Applicant's attorney pointed to col. 25, lines 32-33 that provide the example of an event ticket that includes a "status field 100" that "indicates whether the ticket 8 has already been presented and is thus valueless." Applicant's attorney also pointed to Figure 2, which shows example tickets including an event ticket 88 that includes a status field 100. The Examiner acknowledged that it appeared from what the Applicant's attorney had pointed

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out, that Rosen did not, in fact, teach the use of a database to check validity status of a ticket.

Applicant's attorney also requested clarification of the argument presented in support of the combination of Rosen and Bersen in the third page of the Office action. The second paragraph on this page includes the Examiner's argument rebutting Applicant's assertion that there is not motivation to combine. The Examiner states that he "disagrees in that Rosen does in fact show the use of databases in the system describe in Fig. 1, i.e. DATA PROCESSING SYSTEM 12-1-12-N." However, as the Examiner acknowledged in the interview, Rosen does not show a data processing system in figure 1. Rather, the data processing system referred to by the Examiner is in Fig. 1 of Bersen.

No agreement was made during the interview regarding allowability or changes to claim language. The Examiner suggested that if a response was filed including a summary of the interview, then a final Office action would not likely be issued.

II. Claims Rejected Under 35 U.S.C. § 103

Claims 1-12, 19-29 and 39-42 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,598,477 issued to Berson (hereinafter, "Berson") in view of U.S. Patent No. 5,621,797 issued to Rosen (hereinafter, "Rosen"). Applicant respectfully requests that the Examiner reconsider and withdraw this rejection.

In order to establish a *prima facie* case of obviousness, the Examiner must show that the cited references, combined,

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teach or suggest each of the elements of the claim. Further, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so, found either explicitly or implicitly in the references themselves or in the knowledge generally available to the one of ordinary skill in the art. See, MPEP §2143.01.

In regard to independent claims 1, 19 and 39 these claims include the elements of "determining a validity status for the value bearing indicium data using the validation information database" and "transmitting the validity status to the scanning machine." The Examiner acknowledges on page 4 of the Office action mailed December 22, 2004 that Berson does not teach these elements of independent claims 1, 19 and 39. Rather, the Examiner relies on Rosen, citing Col. 25, lines 15-67, as teaching these elements of the claims. However, the Applicant has reviewed this cited section of Rosen and is unable to discern any part therein that teaches these elements of claims 1, 19 and 39. Rather, the cited section of Rosen discusses a system for conducting an online transaction between two trusted agents using a ticket. See Rosen, Col. 4, lines 45-50. In the section of Rosen cited by the Examiner, a ticket is used by its owner through a customer trusted agent A to receive services from a seller's merchant trusted agent B. See Rosen, Col. 25, lines 16-18. A host transaction application (HTA) A associated with the customer trusted agent and an HTA B associated with a merchant trusted agent share information from the ticket in order to make the purchase of the required services. See Rosen,

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Col. 25, line 15 through Col. 26, line 10. Applicant has reviewed this section and is unable to discern any part therein that refers to the use of a database in this process or the use of a scanner. Thus, the Examiner has not established that Rosen teaches "determining a validity status for the value bearing indicium using the validation information database" or "transmitting the validity status to a scanning machine."

In the interview of August 31, 2005, summarized above, Applicant's attorney and the Examiner further discussed this rejection and the Examiner acknowledged that it appeared that a database was not taught by Rosen. Therefore, the Examiner has failed to establish that Berson in view of Rosen teaches or suggests each of the elements of claims 1, 19 and 39.

Further, the Examiner argues that Rosen would be combined with Berson in order to "provide the validation system of Berson with the determining a validity status for the value bearing indicium data using the validation information database and transmitting the validity status to the scanning machine of Rosen in order to authenticate the validity of the value bearing indicium." However, the system taught by Rosen authenticates the validity of the ticket after being read by the scanner without the use of a database. As discussed above, Rosen checks a status field in the ticket itself to determine validity. Thus, one of ordinary skill in the art would not be motivated to combine Rosen with Berson in order to authenticate the validity of the value bearing indicium using a database as Rosen does not teach this. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness for claim 1 based on Berson in

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view of Rosen. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 1, 19 and 39 are requested.

In addition, claim 39 has been amended to include the elements of "transmitting a response web page with a link to the value bearing indicium" and "receiving a request from the browser to resolve the link." Applicant has reviewed the cited references and does not believe these elements are taught therein. Separating the response web page and value bearing indicium from one another when transmitting to the end user web page provides an added level of security making the transaction more difficult to intercept and misappropriate. Thus, for this additional reason, claim 39 is not taught or suggested by the cited references.

In regard to claims 2-12, 20-29 and 40-42 these claims depend from independent claims 1, 19 and 39 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claims 1, 19 and 39 these claims are not obvious over Berson in view of Rosen. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

Claims 30-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Berson and Rosen as applied to claim 19 and further in view of U.S. Patent No. 6,233,565 issued to Lewis, et al. (hereinafter, "Lewis"). Applicant respectfully requests the Examiner reconsider and withdraw these rejections.

Claims 30-32 depend from independent claim 19 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claim 19, these

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claims are not obvious over *Berson* and *Rosen*. *Lewis* does not cure the defects of *Berson* and *Rosen*. The Examiner has not identified and the Applicant has been unable to discern any part of *Lewis* that teaches or suggests "determining a validity status for the value bearing indicium data using the validation information database" or "transmitting the validity status to the scanning machine" as recited in claim 19. Thus, the cited references fail to teach or suggest each of the elements of the claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 30-32 are requested.

Claims 13-18, 33-38 and 43-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,233,565 issued to *Lewis, et al.* (hereinafter, "*Lewis*") in view of *Berson* and *Rosen*. Applicant respectfully requests the Examiner reconsider and withdraw these rejections.

In regard to claims 13 and 33, these claims include the elements of "determining a validity status for the ticket by the ticket server using the validation information database." "transmitting the validity status to the scanning machine by the ticket server via the computer network," and claim 13 includes an additional element of "transmitting the validity status to the distributor server by the ticket server via the computer network." The Examiner has not identified, and Applicant has been unable to discern, any part of *Lewis*, *Berson* or *Rosen* that teaches or suggests these elements of claims 13 and 33. Rather, as discussed above in the regard to independent claim 1 and the interview of August 31, 2005, *Berson* and *Rosen* do not teach the use of a validation information database transmitting validity

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status to a scanning machine and also do not teach transmitting validity status from a ticket server to a distributor server. Applicant has reviewed *Lewis* but has been unable to discern any part therein that teaches these elements. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness based on *Lewis* in view of *Berson* and *Rosen*.

In addition, claim 13 has been amended to include the elements of "transmitting the validation information to the end-user's machine by the distributor server via the computer network to be displayed via the web browser" and "transmitting the ticket to the end-user's machine by the ticket server via the computer network to be displayed via the web browser." Separating the transmission of the validation information and the ticket as well as transmitting them from different sources provides an added level of security making the transaction more difficult to intercept and misappropriate. Thus, for this additional reason, claim 13 is not taught or suggested by the cited references.

In regard to claims 16-18 and 36-38, these claims depend from independent claims 13 and 33 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claims 13 and 33, these claims are not obvious over *Lewis* in view of *Berson* and *Rosen*. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 13 and 33 are requested.

In regard to claim 43, this claim includes the elements of "providing a validity status based on a check of the validity database." As set forth above in relation to the other

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independent claims, Lewis, Berson and Rosen do not teach or suggest a validity database or checking the status of a value bearing indicium using such a database. Thus, Lewis in view of Berson and Rosen does not teach or suggest each of the elements of claim 43. Accordingly, reconsideration and withdrawal of the obviousness rejection of this claim are requested.

Claims 44-46 depend from independent claim 43 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claim 43, these claims are not obvious over Lewis in view of Berson. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

III. Conclusion

In view of the foregoing, it is believed that all claims now pending, namely claims 1-46, patentably define the subject invention over the prior art of record and are in condition for allowance, and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (626) 795-9900.

Respectfully submitted,
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